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EXAMINER

JERABEK, KELLY L

ART UNIT PAPER NUMBER

2612

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/552,590	Applicant(s) SAKO, TSUKASA	
	Examiner Kelly L. Jerabek	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/2005 has been entered.

Response to Arguments

Applicant's arguments filed 9/27/2005 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant's arguments (RCE pages 13-14) state that the Buytaert reference does not disclose a selection means for selecting an image as an object for re-taking from among the already-taken images displayed by a display control means. Applicant's arguments further state that the slider disclosed by Buytaert is only providing an

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indication of something and does not serve as a means for selecting. The Examiner respectfully disagrees. Buytaert discloses in figure 1 a digital radiography system. The digital radiography system records a radiographic image on a photostimulable phosphor screen (image taking means) that is conveyed in a cassette (7) (col. 4, lines 51-60). The digital radiography system also includes a identification/preview station (1) including a computer for running preview software to display an image that is read out of a screen in order to provide early feedback to an operator (col. 5, lines 9-13 and lines 34-40). The screen can be composed of a mosaic for 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). **Additionally, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure (col. 8, lines 57-61). The slider immediately warns the operator in the case that the exposure went wrong so that the operator can make a new exposure (col. 8, lines 62-67).** The Examiner is reading the slider as a selection means for selecting an image as an object for retaking from among the already taken images displayed on the preview screen because the user decides whether or not to retake a displayed image based on information provided by the slider. Thus, the slider disclosed by Buytaert serves as the claimed selection means.

Applicant's arguments (Amendment pages 15-16) state that the Kawamura reference does not disclose a marking means for attaching a mark to a second image from among the plural images, the second image being an image other than the image selected by said image selection means. The Examiner respectfully disagrees.

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Kawamura discloses in figure 1 an electronic camera with a transfer means (4) capable of transferring images to external equipment (col. 3, lines 9-15). As shown in figure 2 when the camera (11) is set in transfer mode a microcomputer (15) retrieves images stored on the memory card (21) and produces thumbnail images to be displayed on a display (19) (col. 5, lines 19-40). The operator then selects via selection switches (35,36,37) the images on the display (19) that are to be transferred (col. 5, lines 42-49). Thus, the camera (11) includes output image selection means for selecting an image to be outputted externally from among the images displayed by the display (19).

Furthermore, the camera (11) displays a PC icon (52) or a telephone icon (51) in association with each item that has been transferred (col. 8, lines 1-5). Although these icons are attached to images that are selected by the output image selection means, it can also be seen that an identification mark (numbers 2 and 4) is displayed for the images not selected by the output image selection means. In figure 6, the images corresponding to the numbers 2 and 4 are not selected by the output selection means but they do have identification marks (2,4). Thus, it can be seen that the Kawamura reference meets the marking means limitation.

Applicant's arguments state that according to claim 36, if one of the plural images corresponding to one ID is selected by the image selection means, the marking means add to another image corresponding to the same ID. However, claim 36 does not state that the marking means a result of the image selection means and therefore this argument is irrelevant. Applicant's arguments further state that according to the Kawamura reference all the thumbnails have a mark (1-6), and thus the presence of the

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numeral does not in any way distinguish a designated thumbnail from one that has not been designated for transfer. Although this statement is correct the claim does not require that the marks distinguish a designated thumbnail from one that has not been designated and therefore this argument is irrelevant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29-31, 33-35, 40-42, 44-46, 51, 53, and 55 rejected under 35 U.S.C.

102(e) as being unpatentable over Buytaert US 6,359,628.

Re claim 29, Buytaert discloses in figure 1 a digital radiography system. The digital radiography system records a radiographic image on a photostimulable phosphor screen (image taking means) that is conveyed in a cassette (7) (col. 4, lines 51-60). The digital radiography system also includes a identification/preview station (1)

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including a computer for running preview software to display an image that is read out of a screen in order to provide early feedback to an operator (col. 5, lines 9-13 and lines 34-40). The screen can be composed of a mosaic for 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). Additionally, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). The Examiner is reading the slider as a selection means for selecting an image as an object for retaking from among the already taken images displayed on the preview screen because the slider warns the user thus allowing the user select an image to be retaken. The identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43) for each image that is taken. The Examiner is reading the view position in which an image is taken as an "image taking condition". Thus, in the case that an operator makes a new exposure because the previous exposure went wrong (retakes an image), some of the image taking conditions (such as view position) of the new exposure will be the same as the original exposure (image taking condition of image selected is set as an initial value) in order to retake the same area of the body (patient position) as the original exposure.

Re claim 30, Buytaert states that the preview screen can be composed of a mosaic of 6 images pertaining to successively read out images (col. 8, lines 42-51; figs.

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4,5). Also, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). Therefore, it can be seen that if the operator makes a new exposure because the previous exposure went wrong both the object for retaking (previous exposure) and the retaken image (new exposure) will be displayed.

Re claim 31, the digital radiography system disclosed by Buytaert also includes a read-out station (2) for reading out the image stored in the phosphor screen to a laser recorder (3) (col. 4, line 61 – col. 5, line 3). The computer of the identification/preview station (1) is programmed to perform a hold function. Thus, by activating or deactivating a hold key on the identification screen the user can determine whether or not certain images will be recorded by the laser recorder (3) (col. 9, lines 11-21). The Examiner is reading the hold key as an output image selection means because it serves to select whether or not an image will be outputted externally to the laser recorder (3).

Re claim 33, the identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43; figs. 3,4) for each image that is taken. Therefore, it can be seen that each image that is taken has a variety of image taking conditions (view position, exposure class, etc.). The

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Examiner is reading this limitation as an attaching means for attaching an image taking ID to the image taken by the image taking means.

Re claim 34, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). The identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43) for each image that is taken. Therefore, it can be seen that each image that is taken has a variety of image taking conditions (view position, exposure class, etc.). Thus, in the case that an operator makes a new exposure because the previous exposure went wrong (retakes an image), some of the image taking conditions (such as view position) of the new exposure will be the same as the original exposure in order to retake the same area of the body (patient position) as the original exposure.

Re claim 35, the identification/preview station (1) allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43).

Re claim 40, see claim 29.

Re claim 41, see claim 30.

Re claim 42, see claim 31.

Re claim 44, see claim 33.

Re claim 45, see claim 34.

Re claim 46, see claim 35.

Re claim 51, the identification station disclosed by Buytaert is a personal computer loaded with identification and preview software for performing the disclosed functions (col. 5, lines 25-29). For the rest of claim 51, see claim 29.

Re claim 53, Buytaert discloses in figure 1 a digital radiography system. The digital radiography system records a radiographic image on a photostimulable phosphor screen (image taking means) that is conveyed in a cassette (7) (col. 4, lines 51-60). The digital radiography system also includes a identification/preview station (1) including a computer for running preview software to display an image that is read out of a screen in order to provide early feedback to an operator (col. 5, lines 9-13 and lines 34-40). The screen can be composed of a mosaic for 6 images pertaining to

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successively read out images (col. 8, lines 42-51; figs. 4,5). Additionally, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). The Examiner is reading the slider as a selection means for selecting an image as an object for retaking from among the already taken images displayed on the preview screen because the slider warns the user thus allowing the user select an image to be retaken. The identification/preview station (1) also allows a user to enter (attach) patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43) for each image that is taken. The Examiner is reading the view position in which an image is taken as an "image taking condition". Thus, in the case that an operator makes a new exposure because the previous exposure went wrong (retakes an image), some of the image taking conditions (such as view position) of the new exposure will be the same as the original exposure (image taking condition of image selected is set as an initial value) in order to retake the same area of the body (patient position) as the original exposure. The digital radiography system disclosed by Buytaert also includes a read-out station (2) for reading out the image stored in the phosphor screen to a laser recorder (3) (col. 4, line 61 – col. 5, line 3). The computer of the identification/preview station (1) is programmed to perform a hold function. Thus, by activating or deactivating a hold key on the identification screen the user can determine whether or not certain images will be recorded by the laser recorder (3) (col. 9, lines 11-21). The Examiner is reading the

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hold key as an output image selection means because it serves to select whether or not an image will be outputted externally to the laser recorder (3).

Re claim 55, the identification/preview station (1) allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 43, and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Buytaert in view of Kawamura et al. US 6,522,354.

Re claim 32, Buytaert includes all of the limitations of claim 29. However, Buytaert fails state that the display control means displays an identification mark for the image not selected by an output image selection means

Kawamura discloses in figure 1 an electronic camera with a transfer means (4) capable of transferring images to external equipment (col. 3, lines 9-15). As shown in figure 2 when the camera (11) is set in transfer mode a microcomputer (15) retrieves images stored on the memory card (21) and produces thumbnail images to be displayed on a display (19) (col. 5, lines 19-40). The operator then selects via selection switches (35,36,37) the images on the display (19) that are to be transferred (col. 5, lines 42-49). Thus, the camera (11) includes output image selection means for selecting an image to be outputted externally from among the images displayed by the display (19). Furthermore, the camera (11) displays a PC icon (52) or a telephone icon (51) in association with each item that has been transferred (col. 8, lines 1-5). Although these icons are attached to images that are selected by the output image selection means, it can also be seen that an identification mark (numbers 2 and 4) is displayed for the images not selected by the output image selection means. In figure 6, the images corresponding to the numbers 2 and 4 are not selected by the output selection means but they do have identification marks (2,4). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the output image selection means for transferring images to external equipment as disclosed by Kawamura in the digital radiography system disclosed by Buytaert. Doing so would provide a means for determining which images have been transferred (Kawamura: col. 2, lines 1-9).

Re claims 43, and 54, see claim 32.

Claims 36-38, 39, 47-50, and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Buytaert in view of Strawder US 6,282,513 and further in view of Kawamura et al.

Re claims 36 and 38, Buytaert discloses in figure 1 a digital radiography system. The digital radiography system records a radiographic image on a photostimulable phosphor screen (image taking means) that is conveyed in a cassette (7) (col. 4, lines 51-60). The digital radiography system also includes a identification/preview station (1) including a computer for running preview software to display an image that is read out of a screen in order to provide early feedback to an operator (col. 5, lines 9-13 and lines 34-40). The identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43). Thus, the identification/preview station (1) stores image taking ID's of the images taken by the image taking means. Buytaert also states that the preview screen can be composed of a mosaic of 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). The digital radiography system disclosed by Buytaert also includes a read-out station (2) for reading out the image stored in the phosphor screen to a laser recorder (3) (col. 4, line 61 – col. 5, line 3). The computer of the identification/preview station (1) is programmed to perform a hold function. Thus, by activating or deactivating a hold key on the identification screen the user can determine whether or not certain images (some of which may have the same patient or image

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identification data) will be recorded by the laser recorder (3) (col. 9, lines 11-21). The Examiner is reading the hold key as an output image selection means because it serves to select whether or not an image will be outputted externally to the laser recorder (3). Although the Buytaert reference discloses that a plurality of images may be taken and each image is associated with a particular image taking ID (patient's name, exposure class, etc.) it does not specifically state that plural images are able to be associated with a single image taking ID.

Strawder discloses in figure 1 a system for performing an x-ray examination of a patient. According to the invention a technologist enters information such as the name of the patient and the type of examination at the time the examination is started and takes a series of x-rays each corresponding to a different view of the patient's body (col. 9, line 27 – col. 11, line 16). Thus, it can be seen that a plurality of images (corresponding to each exposure taken corresponding to a different view of the patient's body) are taken and the images are associated with a single image taking ID (patient name). Therefore, it would have been obvious for one skilled in the art to include the concept of associating a plurality of images with a single image taking ID as disclosed by Strawder in the digital radiography system disclosed by Buytaert. Doing so would provide a means for easily identifying the patient to which an image belongs. The combination of the Buytaert and Strawder references includes all of the above limitations. However, the combination fails state that the display control means displays an identification mark for the image not selected by an output image selection means.

Kawamura discloses in figure 1 an electronic camera with a transfer means (4) capable of transferring images to external equipment (col. 3, lines 9-15). As shown in figure 2 when the camera (11) is set in transfer mode a microcomputer (15) retrieves images stored on the memory card (21) and produces thumbnail images to be displayed on a display (19) (col. 5, lines 19-40). The operator then selects via selection switches (35,36,37) the images on the display (19) that are to be transferred (col. 5, lines 42-49). Thus, the camera (11) includes output image selection means for selecting an image to be outputted externally from among the images displayed by the display (19). Furthermore, the camera (11) displays a PC icon (52) or a telephone icon (51) in association with each item that has been transferred (col. 8, lines 1-5). Although these icons are attached to images that are selected by the output image selection means, it can also be seen that an identification mark (numbers 2 and 4) is displayed for the images not selected by the output image selection means. In figure 6, the images corresponding to the numbers 2 and 4 are not selected by the output selection means but they do have identification marks (2,4). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the output image selection means for transferring images to external equipment as disclosed by Kawamura in the digital radiography system disclosed by Buytaert in view of Strawder. Doing so would provide a means for determining which images have been transferred (Kawamura: col. 2, lines 1-9).

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Re claim 37, Buytaert states that the preview screen can be composed of a mosaic of 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). Therefore, depending on the patient and image identification data entered by the user some of the images displayed on the preview screen may have the same patient and/or image identification data (image taking ID).

Re claim 39, the identification/preview station (1) allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43).

Re claim 47, see claim 36.

Re claim 48, see claim 37.

Re claim 49, see claim 36.

Re claim 50, see claim 39.

Re claim 52, the identification station disclosed by Buytaert is a personal computer loaded with identification and preview software for performing the disclosed functions (col. 5, lines 25-29). For the rest of claim 51, see claim 36.


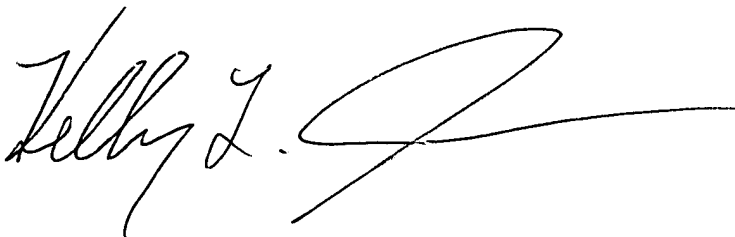
Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



NGOC YEN VU
PRIMARY EXAMINER